

**IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Writ Petition No. 1715 of 2002 (S/B)**

Pradeep Kumar Bansal
S/o Late Sri Sushil Kumar Bansal
R/o 175/10 Shaket Colony
Purbi Ambar Talab Roorkee
District Haridwar & another Petitioners

Versus

State of Uttaranchal through
Secretary Nagar Vikas/ Nagari Garibi
Unmulan Vibhag
Uttaranchal Shashan
Dehradun & others Respondents

Sri Manoj Tiwari, learned counsel for the petitioners
Sri K.P. Upadhyay, learned counsel for the respondents No. 1 to 4.
Smt. Beena Pandey, learned counsel for the respondents Nos. 5 & 6.

Hon'ble P.C. Verma, J.
Hon'ble B.C. Kandpal, J

By means of this writ petition, the petitioners have challenged the relieving order dated 07.09.2002 passed by respondent No. 1 by which the petitioners were relieved from the State of Uttaranchal to State of Uttar Pradesh under Section 75 of U.P. Reorganistaion Act, 2000.

2. Despite several opportunities granted to the learned standing counsel for the State of Uttaranchal no counter affidavit could be filed, therefore, no option left with us, but to proceed ex-parte.

3. The petitioner is an employee of the State Urban Development Agency and his instrumentality of the State after the enforcement of the U.P. Re-organisation Act, 2000. It became the Interstate Body and the respondents have not been able to place on record that this Interstate Body has been bifurcated and in terms of the agreement petitioners have been

relieved. Therefore, the relieving order passed by the Secretary, Government of Uttaranchal is per se illegal as the State Government cannot pass any order relating to relieving of an employee which is not the instrumentality of the State. It is not the authority for relieving the employees under Section 75 of the U.P. Reorganisation Act, 2000. The Authority would be, if the Uttaranchal also bifurcates State Urban Development Agency which was still prior to the U.P. Reorganisation Act, 2000 and create here State Urban Development Agency and in terms of the agreement he is made competent to relieve. Therefore, the order of relieving suffers from manifest illegality being violation of Section 75 U.P. Reorganisation Act, 2000 cannot be sustained.

4. Therefore, the impugned order is hereby quashed. The writ petition is allowed. No. order as to costs.

(B.C. Kandpal, J.) (P.C. Verma, J.)

28.02.2006
ASWAL